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ABSTRACT

Presented is an overview of the first 150 years of federal legislation and funding for the handicapped. Seventeen terms are defined and the position of the Bureau of Education for the Handicapped within the federal structure is examined. The congressional process of authorizing federal funds for special education is explained and 50 specific federal laws are described. Special education funding for fiscal years 1978 and 1979 is also discussed and future trends pertaining to financing of special education are considered. (BD)

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The Long Beginning: An Overview of the First 150 Years of Federal Legislation and Funding for the Handicapped

Charlotte Hawkins-Shepard

October 1978

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The Long Beginning: An Overview of the First 150 Years of Federal Legislation and Funding for the Handicapped

Along with the blossoming cherry trees and returning songbirds, a sure harbinger of spring in Washington, D.C. is the migration of education lobbyists to Capitol Hill, where they seek federal dollars to help support various education programs. The people making this pilgrimage are involved in a complicated process, the results of which have a significant effect on special education at the local level throughout the country.

Parents, advocacy groups, school officials, and professional associations committed to the education of handicapped people have been engaged in vigorous and imaginative action. Using available governmental processes, they have lobbied legislative representatives, allied with federal agencies, and entered into litigation, all to bring about educational opportunities for the handicapped.

Terminology

To understand special education and related federal support mechanisms, a grasp of the basic terminology is needed. The following definitions may be useful:

Special Education

The term "special education" means specifically designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction and instruction in hospitals

and institutions (Education for All Handicapped Children Act of 1975, Pub. L. No. 94-142, 20 USC 1401).

Federal Funds

Funds collected and used by the federal government for the general purpose of the government. There are four types of Federal fund accounts: the general fund, special funds, public enterprise (revolving) funds, and intragovernmental funds. The major federal fund is the general fund, which is derived from general taxes and borrowing. Federal funds also include certain earmarked collections such as those generated by, and used to, finance a continuing cycle of business-type operations ("United States Budget," 1978, p. 91).

Fiscal Year

The yearly accounting period for the federal government, which begins on October 1 and ends on September 30. The fiscal year is designated by the calendar year in which it ends; e.g. fiscal year 1978 ends September 30, 1978. (Prior to fiscal year 1977 the fiscal year began on July 1 and ended on June 30); ("United States Budget," 1978, p. 21).

Outlays

Checks issued, interest accrued on the public debt, or other payments made, net of refunds, and reimbursements ("United States Budget," 1978, p. 92).

Bill

Draft of a proposed law from the time of its legislative introduction to its enactment as law.

Public Law

A law or statute that applies to the people of the nation or state adopting or enacting it.

Authorization

Certain public laws which permit or mandate specific programs or activities by or on behalf of the government. Often refers specifically to the dollar maximum contained in the law and the time parameters expressed.

Appropriation

Specific spending legislation which details, within the limits established by the authorizing legislation, the maximum amount of money to be expended during a particular fiscal period.

Regulations

Interpretation of statutes. Specify details and procedures re statutes.

Guidelines

Interpretations of the regulations which further clarify implementation of a Public Law. They give "how to" directions on implementing the statutes.

Contract

Binding legal agreement. Instrument to procure research, etc. Contracts contain work requirements specified by the funding agency.

Grant

A form of sponsorship. An agreement to support research, training, etc. May be awarded on an individual basis or in bloc form.

Continuing Resolution

A form of congressional action. Legislation enacted by Congress to provide budget authority for specific ongoing activities when a regular appropriation for such activities has not been enacted by the beginning of the fiscal year ("United States Budget," 1978, p. 90).

United States Code

The general and permanent laws of the United States in force on the day preceding the commencement of the session following the last session the legislation of which is included; arranged in 50 titles; prepared under the direction and supervision of the Law Revision Counsel of the House of Representatives. New editions are published every six years and cumulative supplements are published annually (Zinn, 1976, p. 51).

Federal Register

Public notice of presidential proclamations, executive orders, and federal agency orders, regulations, and notices, and general documents of public applicability and legal effect, published daily.

The regulations therein amend the Code of Federal Regulations. Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408 (Zinn, 1976, p. 51).

Code of Federal Regulations

Cumulates in bound volumes the general and permanent rules and regulations of Federal agencies published in the Federal Register, including presidential documents. Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows: Titles 1-16 as of January 1; Titles 17-27 as of April 1; Titles 28-41 as of July 1; and Titles 42-50 as of October 1. Published by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408 (Zinn, 1976, p. 51).

Congressional Record

Proceedings and debates of the House and Senate, published daily, and bound with an index and history of bills and resolutions at the conclusion of each session of the Congress (Zinn, 1976, p. 50).

The Position of the Bureau of Education for the Handicapped Within Federal Structure

The federal budget includes allocations to education programs scattered throughout the governmental structures. The Department of Labor has an important role in encouraging opportunities for handicapped people by exercising punitive powers to fend off discrimination. The

Department of Health, Education and Welfare (HEW) serves as the major conduit of funds to special education.

In terms of structure, HEW has the following staff divisions:

Office of Human Development Services

Public Health Service

Health Care Financing Administration

Social Security

Education Division

Services comprising the Education Division include:

The National Institute of Education (NIE)

The Institute of Museum Services

The Office of the Assistant Secretary for Education

The Office of Education

(Withrow, Note 1).

Currently heading the Education Division is Assistant Secretary for Education, Mary Berry.

The present U.S. Commissioner of Education is Ernest L. Boyer.

The Office of Education addresses the educational needs of handicapped and gifted children and youth through its Bureau of Education for the Handicapped (BEH). BEH was established in 1966 by Public Law 89-750 to administer all federal authorities involved in the education of the handicapped. A National Advisory Committee on Handicapped Children (Nazzaro, 1977) was also established. The Bureau actually began in 1967

on the previous groundwork laid by Dr. Samuel Kirk (Cottrell, Note 2). In a press release (BEH, Note 3) BEH was described as follows:

> The Bureau's function is to assist states, colleges, universities, and other institutions, agencies, and organizations, to meet the educational needs of the nation's handicapped children who require special services.

Initially there were three divisions: Training, Research, and Educational Services. Initially direct federal assistance to states tended to come under the auspices of the Division of Educational Services.

In 1974, BEH was elevated to a major administrative unit within the U.S. Office of Education with responsibility for the management of approximately $230 million annually. Other changes included the following:

> The Division of Research was renamed Division of Innovation and Development; the Division of Educational Services became two divisions - the Division of Media Services and the Division of Assistance to States; and the Division of Personnel Preparation was the new name for the Division of Training Programs (Cottrell, Note 3).

At present there remain four divisions and one office - the Office of the Gifted and Talented. The divisions are all directed towards developing and assisting programs for the handicapped. The Division of Assistance to States administers the funds that go directly to either state or local education agencies from entitlement programs. This funding is based upon a count of the children who are already receiving services. The program also includes an incentive grant for preschool

education of handicapped children based on the number of handicapped children aged three to five that are being served (Withrow, Note 1).

James Gallagher first headed the Bureau. The present head is Edwin Martin, who is Deputy Commissioner of Education.

Federal Legislation Authorizing Funds For Special Education

Forms of Congressional Action

The work of the Congress is initiated by the introduction of a proposal in one of four principal forms: the bill, the joint resolution, the concurrent resolution, and the simple resolution. The bill is by far the most customary form used in both Houses (Zinn, 1976, p. 10).

Congressional Process

After a bill is introduced, it is printed in the Congressional Record and referred to committee. Possibly the most important phase of the Congressional process is the action taken by the committees. Intensive consideration is given at this time, and opportunities for people to be heard are provided. If the bill is controversial and/or of sufficient importance, the committee sets a date for public hearings. Budget hearings must be held within 30 days after transmittal to Congress, and in open session (Zinn, 1976, p. 13).

At present, there are 22 standing committees in the House of Representatives, and 18 standing committees in the Senate, as well as several select committees. In addition, there are several standing joint committees for both Houses (Zinn, p. 11).

The Governmental Relations Unit of the Council for Exceptional Children lists 14 committees concerned with most of the federal legislation that affects the education of exceptional children (Council for Exceptional Children, Note 4, p. 15, 16): (a) Senate Budget Committee, (b) House Budget Committee, (c) House Committee on Education and Labor, (d) Select Education Subcommittee of the Education and Labor Committee, (e) Elementary, Secondary and Vocational Education Subcommittee of the Education and Labor Committee, (f) Senate Committee on Human Resources, (g) Handicapped Subcommittee of the Human Resources Committee, (h) Education, Arts and Humanities Subcommittee of the Human Resources Committee, (i) Senate Subcommittee on Interior Appropriations, (j) Senate Appropriations Committee, (k) Labor-HEW Appropriations Subcommittee of the Senate Appropriations Committee, (l) House Appropriations Committee, (m) Labor-HEW Appropriations Subcommittee of the House Appropriations Subcommittee, (n) House Subcommittee on Interior Appropriations.

Specific Federal Legislation and Support

Congress passed the first law dealing with special education in 1827, when it approved a measure providing a federal land grant to the Deaf and Dumb Asylum in Kentucky. This was Public Law 19-8 (Nazzaro, 1977). Over the years, Congress has added a tremendous amount of legislation in the special education areas. These laws include:

Public Law 34-46, 1857. This law established the Columbia Institution for the Deaf and the Dumb and the Blind. During its first year of operation, the United States government paid $5,125.00 for the support and

operation of the school, which later became Gallaudet College (Brill, 1971; Nazzaro, 1977).

Public Law 38-52, 1864. On April 8th, 1864, President Abraham Lincoln signed a bill establishing the National Deaf Mute College as part of the Columbia facility. The act authorized the Columbia Institution to confer degrees. At the same time, $26,000 was appropriated for the opening of this college (Brill, 1971; Nazzaro, 1977).

Public Law 45-186, 1879. In passage of this law, Congress authorized $10,000 to the American Printing House for the Blind to produce braille material (Nazzaro, 1977).

National Department of Education, 1896. In 1896, the National Department of Education was created by Congress. It later became the United States Office of Education (Nazzaro, 1977).

Public Law 58-171, 1904. This legislation promoted circulation of reading material among the blind (Nazzaro, 1977).

Public Law 66-24, 1919. This law granted additional aid to the American Printing House for the Blind (Nazzaro, 1977).

U.S.O.E. Section on Exceptional Children and Youth, 1931. The United States Office of Education established this section in 1931, and Elise Martens was the administrator for it (Nazzaro, 1977).

Public Law 71-787, 1931. Known as the Pratt-Smoot Act, this law provided books for blind individuals (Nazzaro, 1977).

Public Law 72-439, 1934. The Pratt-Smoot Act was amended by this legislation, to include the mailing of talking books to blind persons

(Nazzaro, 1934).

Executive Order, 1935. An executive order signed by President Roosevelt, transferred $211,500 in WPA funds to the Library of Congress. These funds were for the construction of Talking Book machines (Nazzaro, 1977).

Public Law 75-339, 1937. Additional aid for the American Printing House for the Blind was provided by this act, which amended Public Law 66-24.

Administrative Unit for Exceptional Children and Youth, 1946. Commissioner of Education Studebaker authorized an Administrative Unit for Exceptional Children and Youth. Dr. Elise Martens was the first chief, and Romaine Mackie was a specialist. Activities were information giving, or consultive (Mackie, 1978).

Appropriations for Library of Congress, 1947. Congress increased the appropriation for the Library of Congress reading materials for the blind. It increased from $500,000 to $1 million (Nazzaro, 1977).

Private grant made from research foundation, 1951. The U.S. Office of Education, along with private agencies realized that measures must be taken to increase qualified personnel for the special education field. Romaine Mackie was authorized to seek a private grant, and direct a study towards this end. The first grant came from the Association for the Aid of Crippled Children of New York City. The amount was $25,000. Fifteen committees were involved, and there were subsequently 13 publications related to the study (Mackie, 1978; Nazzaro, 1977).

Public Law 83-420, 1954. This law changed the name of the Columbian Institution to Gallaudet College. It further defined corporate powers, and provided for its organization and administration. The federal government has continued to be the basic source of financial support for Gallaudet since the college was founded. Now an accredited liberal arts college, Gallaudet receives federal funds for 2/3 of its operating costs.

Public Law 83-531, 1954. Known as the Cooperative Research Act, this law earmarked $675,000 for educational research with mentally retarded children (Nazzaro, 1977). The U.S. Commissioner of Education is authorized by this act to enter into contracts with universities and college and state education agencies to conduct research and development activities.

Public Law 85-864, 1958. Intended to educate potential scientists, diplomats, etc., this legislation is called the National Defense Education Act.

The primary impetus for the act came from Russia's early space advances, particularly the launching of Sputnik I. The act authorized these expenditures: Loans to students in institutions of higher learning; graduate fellowships for those interested in teaching in institutions of higher learning; assistance for guidance, counseling, and testing services, and for identification and encouragement of able students; assistance for research and experimentation in the use of audio-visual media; assistance for certain vocational programs; centers for instruction in modern

foreign languages; and equipment and facilities for science, mathematics, and foreign language instruction. This law resulted in the first federal attention to the gifted, even though that was not the intent of the legislation, and the funds were not categorical.

Public Law 85-905, 1958. Entitled "An Act to Provide in the Department of Health, Education, and Welfare for a Loan Service of Captioned Films for the Deaf," this law authorized the Office of Education to acquire films for captioning for the deaf.

Public Law 85-926, 1958. This legislation provided grants to universities, colleges, and state education agencies for teacher training in mental retardation. The law carried an authorization limit of $1 million annually. Funds were used to prepare promising persons for leadership positions. One hundred and seventy five graduate fellowships were awarded during the first fiscal year (Mackie, 1978). This important law contained many provisions which were retained in a number of subsequent laws.

Public Law 87-276, 1961. This law provided scholarships for teacher training for deaf children and youth. The measure created undergraduate scholarships which carried a one year stipend of $1,600.00 and graduate scholarships with a $2,000 yearly stipend. Also provided was $1,500,000 for each of two years for scholarships and grants in aid to institutions with approved teacher training programs in deaf education.

Public Law 87-294, 1961. This law authorized the distribution of books and other special instructional materials for the blind.

Public Law 87-715, 1962. Amending Public Law 85-905, this legislation provided for the production and distribution of captioned films for use by the deaf, and for related training and research.

Public Law 87-838, 1962. An Institute of Child Health and Human Development was established by this measure.

Public Law 88-136, 1963. The creation of an Advisory Committee on Education of the Deaf was authorized by this law. In 1965, this committee produced the "B bbidge Report" which made a number of constructive recommendations regarding administrative and legislative action concerning education of the deaf.

Public Law 88-164, 1963. Entitled the "Mental Retardation Facilities and Community Mental Health Centers Construction Act," this act amended 1958 legislation so that all disabilities are included under the personnel training provisions. Research and demonstration authority was established. With the implementation of this law, personnel preparation began to receive substantial support. The funding level reached nearly $13 million for fiscal year 1964, and mounted steadily to a total of more than $40 million in fiscal year 1976 (Burke, 1976; Nazzaro, 1977).

Public Law 88-210, 1963. The Vocational Education Act authorized federal grants to states to improve vocational education programs. The 1964 authorization was for 60 million dollars; 1965 authorization was for $118.5 million; 1966 authorization was for $177.5 million; 1967 author-

ization was for $225 million. The $225 million was to be for each year thereafter. Ninety percent of the annual appropriation was allotted to states on a per capita basis. Specifically mentioned in the law were persons who had academic, socio-economic, or other handicaps.

Public Law 88-214, 1963. The law is known as the "Manpower Development and Training Act." It provided a special program under the Department of Labor for testing, counseling, selection, and referral of youths 16 years of age or older to receive occupational training and further schooling if they could not qualify for employment due to inadequate educational and work preparation. This legislation included handicapped individuals. States were required to pay 1/3 of the costs through June 30, 1966, and 50% of them each subsequent year.

Public Law 88-665, 1964. "National Defense Education Act Amendments," extend and amend Public Law 85-864, 1958. The authorization for the NDEA student loan fund increased to $16.3 million for fiscal year 1965, $179.3 million for fiscal year 1966, $190 million for fiscal year 1967, and $195 million for fiscal year 1968. It increased the number of fellowships and the amount of stipends. Federal assistance for acquisition of equipment needed for instruction in math, science and foreign language was continued, but instructional areas were added to include aid for English, reading, history, geography, and instruction of disadvantaged youths. The teacher training institute program was expanded to include those engaged in, or preparing to engage in, education of "culturally, economically, socially,

and educationally handicapped youth." Institutes were provided for school librarians and educational media specialists.

Public Law 89-10, 1965. The Elementary and Secondary Education Act (ESEA) was the first real breakthrough in federal aid to elementary and secondary education. It authorized more than $1.3 billion in federal funds to be channeled into classrooms. Title I made funds available to help local school districts strengthen programs for educationally disadvantaged children. This definition included handicapped children. Title I authorized $1,060,000,000 which the Office of Education was to allocate to state education agencies. Money was to be used for hiring additional staff, construction of facilities, and acquiring of equipment.

Under Title III, there were provisions for competitive grants for innovative and exemplary programs with emphasis on programs for the handicapped. $100 million was authorized. Title V authorized $25 million to improve the effectiveness of operations of state departments of education. Federal support after the first two years was to be on a matching basis. Under Title V, state departments of education could also hire additional support personnel for assistance to special education programs (Brill, 1971).

Public Law 89-36, 1965. This law authorized the construction and operation of the National Technical Institute for the Deaf, a residential facility for post secondary technical training and education for persons who are deaf. NTID is the only national technical institute or college for the deaf, and is part of a hearing college campus - New York's Rochester

Institute of Technology (National Advisory Committee on the Handicapped, 1976; Nazzaro, 1977).

Public Law 89-105, 1965. The Community Mental Health Centers Act Amendments of 1965 amended Public Law 88-164, to provide more traineeships and funds for research and demonstration projects. Twenty-nine and a half million dollars were authorized for 1967; thirty-four million dollars for 1968, and thirty seven and a half million dollars for 1969.

Public Law 89-258, 1965. The Captioned Films for the Deaf Act expanded both the original act of 1958 (P.L. 85-905) and the act of 1962 (P.L. 87-715). The new law revised the objectives of earlier measures, extending program materials and services to parents of deaf youth and to others in their service. Public Law 89-258 also increased the $1,500,000 authorization to $3,000,000 for fiscal years 1966 and 1967, to $5,000,000 for fiscal years 1968 and 1969, and to $7,000,000 for subsequent years. The law further created an advisory committee to the Secretary of DHEW. This committee was called the National Advisory Committee on the Education of the Deaf.

Public Law 89-313, 1965. This law amended Title I of the ESEA. It furnished funds to state agencies to provide education to children in state operated or state supported schools for the handicapped which provided free public education on a non-school district basis. Handicaps named in the law included mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education. Funds were to be used for activities which are in

addition to the program normally provided with state monies (Brill, 1971; "Lavor Completes Study," 1978; Nazzaro, 1977). In a recent press release (DHEW, Note 5), the Department of Health, Education and Welfare states:

> Each year, the states receive about $110 million for state-operated and state-supported schools under Title I of the Elementary and Secondary Education Act (P.L. 89-313), as amended. The state agency schools count the number of children in average daily attendance and receive money based on this number.

Public Law 89-522, 1966. The purpose of this act was to enable physically handicapped individuals unable to handle normal printed material, to make use of Talking Books services.

Public Law 89-694, 1966. A model secondary school for the deaf was created by this law. Serving primarily the residents of the District of Columbia and nearby states, the MSSD is part of the total institution of Gallaudet College (Brill, 1971).

Public Law 89-750, 1966. This legislation added a new Title VI to ESEA, and provided for support of the education of handicapped children in various public school districts of various states. The law called for state plans detailing priorities and needs, the establishment of the Bureau of Education for the Handicapped, and for the formation of the National Advisory Committee on Handicapped Children. BEH was actually created January 12, 1967 (Cottrell, Note 2).

Public Law 90-170, 1967. Entitled the "Mental Retardation Amendments of 1967," this law authorized the training of personnel in the areas

of recreation and physical education for the handicapped.

Public Law 90-247, 1967. The Elementary and Secondary Education Amendments authorized regional resource centers and model centers for deaf-blind children to be funded through operational grants. Also authorized were grants for recruitment and information. Research authorization was expanded, providing authority to enter into contracts and conduct research surveys.

Public Law 90-538, 1968. The Handicapped Children's Early Education Assistance Act was the first legislation for handicapped children not attached to other legislation. The initial appropriation was $1 million, supporting 24 preschool handicapped projects (DeWeerd & Cole, 1976).

Public Law 90-576, 1968. In this Vocational Education Act, P.L. 88-210 was amended. Congress mandated that at least 10 per cent of the federal funds allocated under Part B be set aside for vocational education for the handicapped. The program's intent was to provide an effective vocational education program for handicapped persons, and to develop cooperative arrangements for coordinated activities between state vocational educational agencies, state special education agencies, and other state agencies responsible for education of the handicapped. Funds could be used for such activities as work-study, special and remedial instruction, training in employability and communications skills, etc. The program was to operate through an approved state plan with 50 percent matching state funds (Ballard, Note 6.)

Public Law 91-230, 1970. The Elementary and Secondary Education Act amendments of 1969: Title VI, the Education of the Handicapped Act, codified much previous legislation under one legislative authority. Repealed were: Part of section one, sections two, three, and four of P.L. 85-905; all of P.L. 85-926; Titles III and V of P.L. 88-164; Title VI of P.L. 89-10; and the entire act P.L. 90-538. Title VI had seven major parts. Part A provided for continuation of the Bureau for Education of the Handicapped. It established the National Advisory Committee on Handicapped children. Acquisition of equipment and facilities construction were additional provisions. Part B provided formula grants to assist states with education of handicapped children. Under Part C were provisions for extended authority for centers and services for handicapped childrens' educational needs, for deaf-blind children, and for early education of handicapped children. Project grants (contracts) were to be provided to establish regional resource centers to provide advice and technical services to educators of handicapped children. Training of personnel for education of the handicapped was provided for in Part D. Grants were to be extended to institutions of higher education to train educators for the handicapped; grants were to be provided to State Education Agencies for programs to train teachers and/or supervisors of teachers of handicapped children. Additional grants under Part D were concerned with training PE and/or recreation personnel to work with handicapped children. Research and demonstration project authority was

found in Part E of the Education of the Handicapped Act. Part F authorized a program of instructional media for the handicapped. Captioned films and educational media for the handicapped were extended. The establishment of a National Center of Educational Media and Materials for the Handicapped (NCEMMH) was authorized. It was located at Ohio State University, and operated under federal auspices through August 31, 1977. (Beginning October 1, 1977 the National Information Center for Special Education Materials (NICSEM) was funded by the Bureau of Education for the Handicapped to continue the national bibliographical information retrieval system of its predecessor). Part G authorized a program of grants for special programs for children with specific learning disabilities. It further established the National Advisory Committee's definition of Learning Disabilities as the official LD definition (for federal legislation purposes). This officially cited learning disabled children as a separate identifiable grouping (Martin et al, 1970).

Public Law 91-587, 1970. This law authorized Gallaudet College to operate Kendall School as a demonstration model school for hearing impaired elementary children who reside in the Washington metropolitan area. Kendall was to be tuition free (Brill, 1971).

Public Law 92-424, 1972. The Economic Opportunity Act Amendment mandated that 10% of Head Start enrollment opportunities be available to handicapped children. Head Start is described by DHEW as:

> A comprehensive developmental approach to helping children achieve social competence (HEW, 1976, P. 70).

According to guidelines from the Office of Child Development (HEW, 1973) experimental projects were charged with developing and testing alternative approaches to more effective delivery of services for handicapped preschool children (Ensher et al, 1977).

Public Law 93-203, 1973. The comprehensive Employment and Training Act of 1973 provided funds through a special revenue sharing program to state and local jurisdictions to promote maximum employment for target special needs groups. It enabled on-the-job training for moderately handicapped individuals who need to further develop their skills. CETA funds were to be available on occasion for use in adding additional staff, such as teacher aides etc. in support of direct service to handicapped learners (U.S. Department of Labor, 1977).

Public Law 93-380, 1974. This act, the Education Amendments of 1974, extended the provisions of Public Law 91-230 for three years, beginning July 1, 1973. Authorizations under Part B were greatly increased for fiscal year 1975, to enable states to identify, locate, and evaluate all handicapped children, and to establish due process procedures in placement, nondiscriminatory testing, and confidentiality of school records (U.S. Senate, Note 7). Title IV, Section 404, Gifted and Talented, was the first categorical funding for gifted child education. The funding level was set at 2.56 million dollars

and has been maintained at that amount through fiscal year '75 through '78.

Public Law 94-142, 1975. The Education for All Handicapped Children Act of 1975 was a broad based mandate for a free appropriate public education for all handicapped persons aged three to 21. The law, which significantly revised Part B of the Education Amendments of 1974, embodied the major features of federal commitment to handicapped children and youth. The largest single fiscal commitment to handicapped children has been represented by P.L. 94-142. It authorized a payment formula based on a gradually escalating percentage of the national average expenditure per public school child times the number of handicapped children receiving publicly financed special education and related services in each state in the nation. That percentage was to escalate on a yearly basis until 1982, when it would become a permanent 40% for that year and all subsequent years.

FORMULA SCALE

Fiscal 1978	5%
Fiscal 1979	10%
Fiscal 1980	20%
Fiscal 1981	30%
Fiscal 1982	40%

(Weintraub et al, 1976)

Public Law 94-482, 1976. The Education Amendments of 1976, along with the 1963 Vocational Education Act provided funds in a cooperative relationship with school districts to have an essentially vocational

orientation during the secondary years. P.L. 94-482 maintained and strengthened provisions related to handicapped individuals. The 10% set-aside portion of the state's allotment was to pay 50% of the cost of vocational for handicapped persons. Public Law 94-482 required that set-aside funds be used in ways entirely consistent with the state plan submitted pursuant to Section 613 (a) of the Education of the Handicapped Act. In the overall vocational education program, Congress added a number of new funding categories through P.L. 94-482. Among those were vocational guidance and counseling, and pre-service and in-service training of personnel. This act, in addition to revising the Vocational Education Act of 1963, also revised the Higher Education Act and the National Institute of Education legislation (American Vocational Association, Note 8).

Public Law 95-49, 1977. The Education of the Handicapped Amendment of 1977 extended local school districts' resources for educating handicapped children. Provisions for funding available under all portions of the Education of the Handicapped Act were to continue, except for those under Part B (P.L. 94-142). The areas covered included regional resource centers, centers and services for deaf-blind children, early education for handicapped children, and regional post-secondary education projects. There were also extensions of grants for personnel training, research and demonstration projects, and instructional media for the handicapped.

Appropriations authorized included:

$197 million for fiscal year 1978

$209 million for 1979

$224.5 million for 1980

$236.5 million for 1981

$247.5 million for 1982

Public Law 95-93, 1977. The Youth Employment and Demonstration Projects Act of 1977 funded exemplary in-school programs for youth in the areas of vocational education, career education, occupational training etc. The act amended the Comprehensive Employment and Training Act of 1973. The grant program was to start in August 1978, and was authorized for 18 months. The law specified that handicapped be included. Forty to sixty projects could be funded.

Public Law 95-561, 1978. The Education Amendments of 1978 amend and extend through fiscal year 1983, the expiring elementary and secondary education programs (Public Law 89-10, and amendments). Title IX, the Gifted and Talented Children's Education Act of 1978, allows for financial entitlements to state education agencies to assist them in the planning, development, operation, and improvement of educational programs for gifted and talented children. In addition there are discretionary grants for training national leadership personnel, model projects, research and demonstration programs, statewide planning activities, and the establishment of a clearinghouse. Funds are authorized at $25,000,000 for fiscal year 1979, increasing up to $50,000,000 for fiscal year 1983.

Special Education Funding for Fiscal Years 1978 and 1979

The underlying philosophy for federal aid in education is set forth in the early pages of the fiscal 1979 budget document:

> The primary mission of Federal Education programs is to assure that all Americans have an equal access to a good education. This mission is carried out by giving state and local governments Federal funds to enhance their educational systems and to provide enriched education for the disadvantaged and the handicapped ("Budget of the U.S. Government," 1978, p. 166).

Due to changing legal and sociological concepts, the questions regarding financing of special education no longer center around whether, but instead around how, and how much. The rights of handicapped children to equal access to public educational programs have been mandated by such landmark legislation as Public Law 94-142, described earlier in this paper.

The payment formula authorized in P.L. 94-142 calls for 20% of the excess costs schools incur in educating handicapped youngsters to be covered in the 1979-80 school year. The 1979 HEW budget request for P.L. 94-142 covers 12 percent instead of the 20% called for. At a January press conference, HEW Secretary Joseph Califano told reporters the data on the number of handicapped children is "a little soft" and that HEW needs better figures to intelligently spend more.

The HEW budget proposed $181.3 billion in 1979 outlays. This is up $16.7 billion from the estimate of $164.6 billion for 1978. For items

considered by the Labor-HEW appropriations subcommittees, appropriations of $58.3 billion are requested for 1979. That is $4.4 billion more than 1978 appropriations requests (Califano, Note 9).

The Education Division budget for fiscal 1979 calls for $12.47 billion in budget authority. This is up more than $2 billion from the 1978 total of $10.128 billion. Estimated outlays for 1980 are 13.2 billion ("United States Budget," 1978, p.48).

Formula and discretionary grants are the vehicles for federal assistance to elementary, secondary and vocational education. The largest share of these funds goes to educationally disadvantaged students through ESEA Title I. Present emphasis is on improving basic skills, primarily in the reading area. Estimated outlays for elementary, secondary, and vocational education are $6.5 billion in 1979 and $7.3 billion in 1980 ("United States Budget," 1978, p. 49). Specific areas for handicapped education are found in Table 2 reprinted from BEH. To help support state and local education agencies educating handicapped children, the budget provides authority of $804 million in 1979, which is to offset the 12% of excess costs ("Budget of the United States," 1978, p. 166).

Head Start budget authority increases from $625 million in 1978 to $680 million in 1979. This could result in an increase of handicapped children at the preschool level receiving Head Start services, as 10% of Head Start enrollment opportunities are mandated for handicapped children via Public Law 92-424 ("Budget of the United States," 1978, p. 167).

Most activities under CETA are to continue for 1979. Grants to state and local governments may provide approximately $1.9 billion. Outlays for the Youth Employment and Demonstration Projects Act are estimated at $1.2 billion. Handicapped children and youth, as specified in the two laws, may be included in these programs ("United States Budget," 1978, p. 50).

Federal higher education programs include a budget authority of $175 million for 1979 to fund special institutions. This is an increase over 1978 of $20 million. ("Budget of the United States," 1978, p. 168). Budget authority for 1978 and 1979 is shown here for specific special institutions ("Budget of the United States," 1978, p. 457-460):

	1978 Est.	1979 Est.
American Printing House for the Blind	$ 3,498,000	$ 3,906,000
National Technical Inst. for the Deaf	$14,630,000	$16,625,000
Gallaudet College	$45,976,000	$44,833,000

The Gallaudet Institution includes the college, the Model Secondary School for the Deaf, Kendall Demonstration Elementary School, and various construction costs. A breakdown of Gallaudet costs by selected programs is as follows:

	1978 Est.	1979 Est.
Liberal Arts College	$20,084,000	$23,178,000
MSSD	$ 8,343,000	$ 9,217,000
Kendall Demonstration School	$ 3,907,000	$ 4,303,000

Future Trends

Delphi Studies

Delphi methodology as a tool for forecasting technological changes has been increasingly adopted by educational and social researchers. The rationale used is that projections for the future can be based on the pooled personal expectations of knowledgeable individuals. The procedure is described (Cornish, 1977) as consisting of:

> a series of steps for using experts to make a group forecast, which hopefully, will be more accurate than an ordinary poll. In the Delphi method, each expert is questioned privately through the use of questionnaires in a series of rounds. The experts cannot know what others are saying except when the Delphi leaders inform them (p. 85).

In 1975, The National Association of State Directors of Special Education (NASDSE) conducted a futuristic study of special education using the Delphi methodology (Schipper & Kenowitz, 1975).

An additional study which has relevance to federal funding in special education and is specifically concerned with identifying critical research needs in special education is currently being conducted by NASDSE, and is expected to be available by January 1979 (Norman, Note 10). In the 1975 study, a pool of 121 special education administrators was used. Investigators grouped responses into four categorical areas. The basic trends which pertain to financing of special education are noted here (Schipper & Kenowitz, 1975):

Administrative Trends. The demise of the property tax as a major funding base was foreseen by 1990, supplanted by a more balanced financial partnership by federal, state and local governments. . . More expansive and comprehensive administrative alternatives are predicted, which will result in enhanced services for all handicapped children. . . Events which were negatively valued by the population include bloc grants replacing categorical funding. . . the thought of 100% funding for the education of the handicapped by the Federal Government, and a voucher program for the handicapped (p. 20).

Instructional Trends. It is. . . predicted that a more complete system of regional media centers will replace existing networks (p. 21).

Legal/Statutory Trends. It was predicted that all exceptional children will be receiving educational services, due process procedures will be guaranteed, and uniformity of educational opportunity will transcend state and district boundaries between 1980 and 1995 (p. 18).

Other Opinions and Views

Past practices. In a book on administrative and professional developments in education of the deaf, Brill (1971) makes the following comment on federal funding in special education:

> Federal assistance in the form of legislative and financial support for public and private school education began to

> increase during the late 1950's, and during the 1960's it had a snowballing effect on American education from the elementary school level through post-graduate programs. The influence of this federal legislation has been felt in all areas of special education. Since the year 1960, the United States Congress has enacted more constructive legislation to improve facilities and services for handicapped children and youth than ever before in its history (p.72).

In a report on improving services to handicapped children put out by the Rand Corporation (Brewer & Kakalik, 1974) a more pessimistic view of legislation is taken:

> Policymaking, funding, and operating decisions are often made by entirely different groups of people. . . The sheer number of institutions dispensing funds and services under many pieces of enabling legislation contributes to a situation in which no one person or group plans, monitors, or controls the handicapped service system in any comprehensive fashion. . .

Proposed Department of Education.

A trend that is on the verge of materializing is the establishment of a cabinet level Department of Education. This development is being viewed with varied reactions. Supporting the department proposed by President Carter is former Assistant U.S. Commissioner of Education, Samuel Halperin, who argues that there is much evidence to demonstrate that education greatly

suffers from its present location within HEW ("Halperin Calls," 1977). Other strong supporters include the National Education Association, the Educational Leaders Consortium, and the National School Boards Association. On the other side of the issue, the American Federation of Teachers calls the education department a bad idea, and claims it will detract from an effort to get significant financial support for education ("Carter Says," 1978).

In a speech presented to the Education Writer's Association National Conference held April 1978 in Washington D.C., Representative Shirley Chisholm asserts:

> There are education and training programs of every kind and description in agencies and departments all over this country. Many of these programs and the constituencies that they serve do not desire to be under the aegis of a separate department of education, and they will fight the effort to establish a cabinet level department.

Conclusion

The history of federal involvement in the education of the handicapped over the last century and a half has been marked by many changes -- changes in the way legislation has reflected public attitudes, in the level of public funds committed, and in the very context within which special education has been view legislatively. We have moved dramatically in 150 years from the charitable paternalism of the nineteenth century to the full-throated advocacy of civil rights for the handicapped in the twentieth. We have progressed from the modest land grant of 1827 to the billion dollar plus BEH budget anticipated for 1980, when P. L. 94-142 becomes fully funded.

Great strides have been attempted and achieved; it has, indeed, been a long beginning. But this article has dealt with legislative advances only. Other views could be taken from the vantage points of the advocate, the teacher, the administrator, and the scientist. Federal funding of educational programs for the handicapped could not have accomplished much without assistance from those quarters. The advances made on these other fronts sometimes have been halting, but there is no mistaking that their direction has been forward. A long distance has been covered legislatively, yet much remains to be done.

Now that the right of all handicapped children to a free, appropriate public education has been guaranteed by law, the first item on future legislative agendas must be to create the conditions within which the quality of that education may flourish and grow.

We have reached the end of a beginning, a very long beginning. Next, we must continue apace, moving with the sure stride of those who know the course and are prepared to master it.

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